

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JANOS DRAVECZ,

Plaintiff,

-against-

9:11-CV-1382

BRIAN FISCHER, Commissioner, *et al.*,

Defendants.

DECISION & ORDER

Thomas J. McAvoy, S.U.S.D.J.:

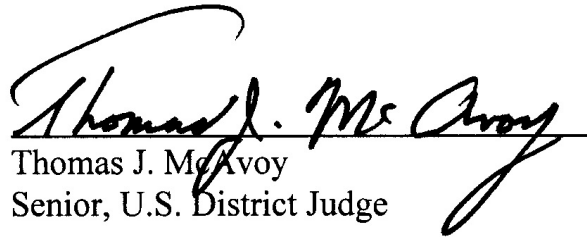
This action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, Magistrate Judge Peebles recommends that Plaintiff's claim be dismissed. No objections to the Report-Recommendation dated September 5, 2012, have been filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

For the foregoing reasons, the Court ADOPTS the Report and Recommendation in its entirety.

IT IS SO ORDERED.

Dated: October 25, 2012



Thomas J. McAvoy
Senior, U.S. District Judge